

Serial No.: 10/626,847  
Art Unit: 3676

### **REMARKS**

#### **A. Claim Objections**

In the present Office Action, the Examiner objected to claim 5 because of the limitation, "the open side." For the purpose of clarification and not for the purpose of limitation, claim 5 has been amended and is now believed to overcome this rejection.

In the present Office Action, the Examiner objected to claim 6 because it appeared that the claim recited a means for connecting that is connected to the sash, elastic element, first pulley block, and at least a portion of the second pulley block. For the purpose of clarification and not for the purpose of limitation, claim 6 has been amended and is now believed to overcome this rejection.

In the present Office Action, the Examiner objected to claims 8-10 because claim 8 included the limitations of the elastic element having a "second end" and "third end," but no first end. For the purpose of clarification and not for the purpose of limitation, claim 8 has been amended and is now believed to overcome this rejection.

#### **B. 35 U.S.C. § 112, Second Paragraph Rejections**

The Examiner rejected claim 1 and claims 2-7, which depend from claim 1, under 35 U.S.C. § 112, Second Paragraph, for omitting the element "a cord."

Claim 1 has been amended to include "a cord" and therefore claims 1-7 are believed to overcome this rejection.

#### **C. 35 U.S.C. § 102(e) Rejections**

The Examiner rejected claims 1-4 and 6-10 under 35 U.S.C. § 102(e) as being anticipated U.S. Patent No. 6,840,011, issued to Thompson et al.

Independent claims 1 and 8 have been amended to include the following limitation, "wherein said housing is integral to said window frame and not integral to the sash." Claims 1 and 8 as presently amended are limited to a sash balance shoe that resides within the window frame and not within the sash. FIG. 1 of the present application best illustrates housing 80

Serial No.: 10/626,847  
Art Unit: 3676

positioned within window frame 60. The design of the present application is believed to allow for sashes of narrower thickness and simpler overall sash designs.

In contrast, Thompson et al. teaches a window balance apparatus that is positioned within the sash. FIG. 2 of Thompson et al. best illustrates balancer 208, which includes housing 402, as positioned within sash 200. Accordingly, Thompson et al. fails to teach or suggest *a housing that is integral to the window frame and not integral to the sash* as claimed in claims 1 and 8 of the present application. Accordingly, claims 1 and 8, and claims 2-7, 9, and 10, which depend from them, are now believed to be in condition for allowance.

**D. 35 U.S.C. § 103(a) Rejections**

In the present Office Action, the Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Thompson et al. in view of aspects that are obvious to one skilled in the art.

For the above-mentioned reasons, it is submitted that claim 1 of the present invention is not obvious considering the combination of Thompson et al. in view of aspects that are obvious to one skilled in the art. For at least the same reasons, it is submitted that claim 5, which depends from claim 1, is also not obvious and is in condition for allowance.

**E. Summary**

In the present Office Action, the Examiner considered and rejected claims 1-10.

By this Amendment, claims 1, 5, 6, and 8 are currently amended. Accordingly, claims 1-10 are presented for further examination. No new matter has been added. Claims 1-10 are believed to be in condition for allowance.

Therefore, Applicant respectfully requests reconsideration and further examination of the application and the Examiner is respectfully requested to take such proper actions so that a patent will issue herefrom as soon as possible.

If the Examiner has any questions or believes that a discussion with Applicant's attorney would expedite prosecution, the Examiner is invited and encouraged to contact the undersigned at the telephone number below.

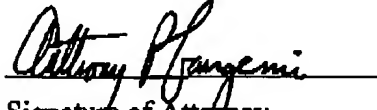
Serial No.: 10/626,847  
Art Unit: 3676

Please apply any credits or charge any deficiencies to our Deposit Account No. 23-1665.

Respectfully submitted,  
Neeman Malek

Date: August 5, 2005

Reg. No. 42,565

  
Signature of Attorney  
Anthony P. Gangemi  
Wiggin and Dana LLP  
One Century Tower  
New Haven, CT 06508-1832  
Telephone: (203) 498-4395  
Facsimile: (203) 782-2889

\\17697181545034.2